

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
 No. 14-CR-40028-TSH
v.)
)
JAMES MERRILL and)
CARLOS WANZELER)

COMBINED INTERIM STATUS REPORT PURSUANT TO LOCAL RULE 116.5,
JOINT MOTION TO ADJOURN UPCOMING STATUS CONFERENCE, AND
REQUEST FOR THE EXCLUSION OF TIME UNDER THE SPEEDY TRIAL ACT

Pursuant to Local Rule 116.5, the parties, through undersigned counsel, submit this report to summarize the current status of ongoing discovery activities. The government has provided substantial discovery to date, including additional discovery since the last status date, but discovery is not yet complete.

Also, as discussed below, the parties jointly move to adjourn the status conference now scheduled for August 12, 2015, to September 24, 2015 and to exclude the time from any calculation under the Speedy Trial Act until the next status conference in light of this report.

Interim Status Report Pursuant to Local Rule 116.5(B)
Local Rule 116.5(b)(1) through (4)

While the government has provided additional discovery since the last status date, the government has other materials in its possession that it has not completed reproducing for the defendant. The defendant needs additional time to process discovery recently provided by the government, and to thereafter begin a review of the voluminous discovery in this case and to determine whether any additional discovery requests will be necessary.

In light of the above, and in keeping with the Court's designation of this matter as a "complex case" under 18 U.S.C. § 3161(h)(7)(B)(ii), the government suggests an interim status conference on or about September 24, 2015.

Local Rule 116.5(b)(5) through (7)

Given the posture of discovery and defendant's need to process and review it as it is produced, it is too early to set reliable schedules for motion practice, expert witness disclosures, and a report on whether the defendant will raise defenses of alibi, public authority or insanity.

Local Rule 116.5(b)(8)

The parties agree that the period from defendant's first appearance on the case through the August 12, 2015 Interim Status Conference is excludable from the time in which trial of this case must commence. The parties further agree that the period from the fifth Interim Status Conference through a further Interim Status Conference date that the Court may set should be excluded pursuant to 18 U.S.C. §3161(h)(7)(A), Local Rule 112.2(b), and Sections 5(b)(7)(A), 5(b)(7)(B) and 5(b)(7)(C)(iv) of the *Plan for Prompt Disposition of Criminal Cases* for the United States District Court for the District of Massachusetts (effective December 2008), on the ground that the ends of justice served by granting the requested adjournment of the scheduled status conference and excluding these periods outweigh the best interests of the public and the defendant in a speedy trial.

Respectfully submitted,

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Date: August 11, 2015

CERTIFICATE OF SERVICE

I hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing, and paper copies will be sent to those indicated as non-registered participants, on August 11, 2015.

/s/ Robert M. Goldstein
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